

REGULAR MEETING

April 10, 2000

The Regular Meeting of the Annapolis City Council was held on April 10, 2000 in the Council Chamber. Mayor Johnson called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: City Attorney Goetzke

Alderman Sachs moved to approve the Minutes of March 13, 2000 and March 27, 2000. Seconded. CARRIED on voice vote.

STATE OF THE CITY ADDRESS

Mayor Johnson gave the State of the City address and presented the FY 2001 Budget.

PETITIONS, REPORTS AND COMMUNICATIONS

1. John Baer
10 Taney Avenue
Annapolis, MD 21401

Spoke regarding West Street Traffic

2. Arthur Kungle, Jr.
Box 365
Annapolis, MD 21404

Spoke regarding City interest matters - past, present and future

3. Louise Beauregard Meyers
2 Maryland Avenue
Annapolis, MD 21401

Spoke regarding economic development, tourism and parking

4. Julie Stankivic
906 Primrose Road, Apt. #4
Annapolis, MD 21403

Spoke regarding the August Woods Development

5. Cliff Myers
8 Acton Place
Annapolis, MD 21401

Spoke against O-5-00 Arts Program in Public Places

6. Ellen Kaye
Representing the Association of Certified Charter Vessel Owners & Agents
688 Genessee Street
Annapolis, MD 21401

Spoke regarding R-9-00

LEGISLATIVE ACTION

ORDINANCES

O-46-99 For the purpose of amending the zoning code to allow the expansion of a nonconforming use and a nonconforming building into that area of a nonconforming structure located under any overhanging portion of the structure's roof; and matters generally relating to said district.

Alderman Sachs moved to adopt O-46-99 on second reading. Seconded.

Alderman Sachs moved to amend O-46-99 as follows:

No. 1

On Page 1, line 24 immediately following "Section" add "21.70.040A."; and on that same Page, line 31, add the following:

Sec. 21.70.040 Repairs and alterations.

A. Building or Structure Designed or Intended for a Nonconforming Use. Repairs and alterations may be made to a nonconforming building or structure; provided, that no structural alterations which increase the bulk of the building or structure, except as allowed under Section 21.70.090A. shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure, and the use of the building or structure, conform to the regulations of the district in which it is located. For the purpose of this section, "repairs" includes the replacement of storage tanks where the safety of operation of the installation requires the replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as provided in this section."

No. 2

On Page 1, amend lines 34 through 41 as follows:

A. Building or Structure Designed or Intended for a Nonconforming Use. The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which the use presently is located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless the changes or structural alterations, and the use of the building or structure, conform to all the regulations of the district in which the building or structure is located: except that the use and building may be expanded into that area that is under any overhanging portion of the roof of the structure, existing as of (date of adoption) subject to the following restrictions:

1. The floor area shall not increase by more than fifteen percent;

2. The expansion shall be subject to special exception approval pursuant to Chapter 21.72."

No. 3

On Page 2, amend lines 1 through 7, as follows:

B. Building or Structure Designed or Intended for a Permitted Use. The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of the building or structure, or changed to any other nonconforming use, ~~except that the use and building may be expanded into that area that is under any overhanging portion of the roof of the structure."~~

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Sachs moved to adopt O-46-99 on third reading. Seconded. CARRIED on voice vote.

O-49-99 For the purpose of authorizing the Second Amendment to Lease dated 1/1/95 as modified by an Amendment to Lease dated November 13, 1997 with Eastport Seafood Company and Eastport LLC for certain municipal property known as the McNasby's Property, located at 723 Second Street in the City of Annapolis; and all matters relating to said Second Amendment to Lease.

There being no voice objection O-49-00 was postponed.

O-9-00 For the purpose of consenting to the assignment of a lease of a certain city-owned real estate from Silver Queen Broadcasting Corporation (hereinafter called "SQBC") to Bay Broadcasting Corporation (hereinafter called "BBC"); and all matters relating to said lease.

Alderman Hammond moved to adopt O-9-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

O-10-00 For the purpose of establishing that properties regarding which an Historic Preservation Commission application is filed be posted in accordance with the rules and regulations of the Historic Preservation Commission; and matters generally relating to said posting.

Alderman Hammond moved to adopt O-10-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

O-12-00 For the purpose of revising the definition of "accessory/appurtenant structure" by removing the greater than three hundred square feet and one story requirement; and matters generally relating to said definition.

Alderman Hammond moved to adopt O-12-00 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee.

O-13-00 For the purpose of approving the assignment of an existing Lease Agreement between the City of Annapolis and Cousins Team I, L.L.C. to Cousins Team II, L.L.C.; and all matters relating to said Lease.

Alderman Hammond moved to adopt O-13-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

FY 2001 BUDGET LEGISLATION

O-11-00 For the purpose of adopting an operating budget for the City of Annapolis for the fiscal year 2000-2001, beginning July 1, 2000 and ending June 30, 2001; to appropriate funds for expenditures for the fiscal year beginning July 1, 2000 and ending June 30, 2001; levying and imposing a property tax rate for the Fiscal Year beginning July 1, 2000 and ending on June 30, 2001, for the purpose of defraying all expenses and liabilities of the City of Annapolis and levying same for the purposes specified; specifying certain duties of the Director of Finance, specifying a rate of interest to be charged upon overdue property

taxes; and all matters generally relating to said budget and property tax rate.

Alderman Hammond moved to adopt O-11-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

R-13-00 For the purpose of adopting a capital improvement budget for the Fiscal Year 2001, and a capital improvement program for the six year period from July 1, 2000 to June 30, 2006; and all matters relating to said budget and program.

Alderman Hammond moved to adopt R-13-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Finance Committee.

R-14-00 For the purpose of approving the fee schedule for FY 2001; and all matters relating to said fee schedule.

Alderman Hammond moved to adopt R-14-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

RESOLUTIONS

R-9-00 For the purpose of requesting that the vessel known as “Half Shell” be provided space at the City Dock for a certain term and fee; and all matters relating to said request.

Alderman Sachs moved to adopt R-9-00 on first reading. Seconded.

Alderman McMillan raised a point of order as to whether R-9-00 was legal in the sense that it attempts to set a price and term for an entity to enter into agreement with the City.

Debate began on the point of order.

Following discussion, Alderman Moyer moved to strike lines 32 and 33 in its entirety:

~~32 AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that it pay to~~
~~33 the City the same dock fee as the historic vessel known as the “Stanley Norman”.~~ Seconded.

Alderman McMillan renewed his point of order that R-9-00 as introduced on first reader did not comply with the Charter and is out of order.

Mayor Johnson ruled R-9-00 as presented was in order and that its application to the City Charter is a separate matter.

Alderman Gilmer moved to over rule the decision of the Chair to admit R-9-00 on the agenda. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Gilmer, McMillan
NAYS: Mayor Johnson, Aldermen Sachs, Carter, Fox, Moyer
DEFEATED: 5-4

Alderman Moyer’s motion CARRIED on voice vote.

Alderman McMillan moved to amend line 15 as follows:

For the purpose of requesting that the vessel known as “Half Shell” be provided space at the City Dock ~~for a certain term and fee; and all matters relating to said request~~. Seconded. CARRIED on voice vote.

Alderman Tolliver moved to amend lines 14 and 19 by deleting the word “space” and inserting “an opportunity for the lease of space”. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, McMillan
NAYS: Mayor Johnson, Aldermen Sachs, Carter, Fox, Moyer
ABSTAIN: Alderman Gilmer
DEFEATED: 5-3-1

The main motion as amended CARRIED on voice vote.

R-10-00 For the purpose of approving the job description for the civil service position of Life Safety Inspector; establishing the pay grade for said job description; and all matters relating to said job description and pay grade.

Alderman Sachs moved to adopt R-10-00 on first reading. Seconded. CARRIED on voice vote.

R-11-00 For the purpose of approving the job descriptions for the civil service positions in the Annapolis Police Department by revising the job title and description of Police Property Supervisor to Police Property Coordinator; revising the job description and reclassifying three Clerk Typist II positions currently assigned to the Records Division to Police Records Specialist; revising the job description and reclassifying the current vacant position of Police Records Manager to Police Records Coordinator; eliminating the existing civil service position of Police Evidence Technician I; and all matters relating to said job descriptions and pay grades.

Alderman Sachs moved to adopt R-11-00 on first reading. Seconded. CARRIED on voice vote.

R-12-00. For the purpose of approving the job descriptions for the civil service positions in the Department of Recreation and Parks by reclassifying the position of Recreation Program Coordinator to Program Supervisor; adding the new civil service position of Sports Supervisor; amending the job description of Recreation Maintenance Worker II; eliminating the existing civil service position of Recreation Administrator; establishing the pay grade for said job descriptions and all matters relating to said job descriptions and pay grades.

Alderman Sachs moved to adopt R-12-00 on first reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Civil Service Board Recommendations for Action dated March 20, 2000

No action taken.

2. Housing and Community Development Committee Recommendations for Action dated March 23, 2000

Alderman Gilmer moved to approve the Housing and Community Development Committee Recommendations for Action dated March 23, 2000. Seconded. CARRIED on voice vote.

3. Finance Committee Recommendations for Action dated March 15, 2000

Alderman Sachs moved to approve the Finance Committee Recommendations for Action dated March 15, 2000. Seconded. CARRIED on voice vote.

4. Payment of Monthly Bills

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

5. Appointments

Alderman Gilmer moved to confirm the Mayors's appointment of the following individuals:

Human Relations Commission	Edith M. Knight
Human Relations Commission	Barbara R. Schlossman
Port Wardens	Dave Gohsman
Recreation Advisory Board	Carrie W. Capuco

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned 9:17 p.m.

Deborah Heinbuch, CMC/AAE
City Clerk